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Fairfield–Suisun Unified School District
Golden Gate Bridge, Highway and Transportation District
John Adams Academies

STATE AGENCY: Department of Social Services

ADOPTION

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. CIVIL RIGHTS
DEPARTMENT**

GOVERNMENT CODE SECTION 11135
ET SEQ. REGULATIONS

The Civil Rights Council (Council) of the Civil Rights Department (CRD) proposes to replace sections 11140 through 11200 of the California Code of Regulations with amended regulations set forth in new proposed sections 14000 *et seq.* after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Council will hold a public hearing starting at **12:00 p.m.** on **April 3, 2023**, at the following location:

<https://us02web.zoom.us/j/86905615920>

and/or

1-669-444-9171 — Meeting ID: 869 056 15920

At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Council requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

The meeting facilities are accessible to individuals with physical disabilities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in the meeting, should contact Mimi De Ville, CRD ADA Coordinator, at (844) 541-2877 (voice or via relay operator 711) or TTY (800) 700-2320 or via email: mimi.deville@dfeh.ca.gov or accommodations@dfeh.ca.gov as soon as possible or at least 72 hours before the meeting.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Council. The written comment period closes on **April 3, 2023**, at

5:00 p.m. The Council will consider only comments received by the end of that day. Written comments can be mailed to:

Civil Rights Council
c/o Rachael Langston,
Senior Fair Employment and Housing Counsel
Civil Rights Department
555 12th Street — Suite 2050
Oakland, CA 94607
Telephone: (916) 478-7251

Comments may also be submitted by email to FEHCouncil@dfeh.ca.gov.

AUTHORITY AND REFERENCE

Government Code section 12935(a) authorizes the Council to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific sections 11135 *et seq.* of the Government Code.

INFORMATIVE DIGEST/
POLICY STATEMENT OVERVIEW

This rulemaking action clarifies, makes specific, and supplements existing state regulations interpreting Article 9.5 of Chapter 1 of Division 3 of Title 2 of the Government Code (“Article 9.5” or “Government Code sections 11135 *et seq.*”). Article 9.5 addresses discrimination in state-funded and state-administered programs and activities because of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation.

In compliance with the Administrative Procedure Act, the Council proposes to adopt these rules as duly noticed, vetted, and authorized regulations. The overall objective of the proposed regulations is to further implement, interpret, and/or make specific Article 9.5. This action has the specific benefits of ensuring the regulations’ consistency with current state (and, where applicable, federal) caselaw, statutes, and regulations; and decreasing the number of Article 9.5 violations through providing comprehensive guidance to state-administered and state-funded programs and activities.

The Council has determined that the proposed amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Council has concluded that these are the only regulations that concern Article 9.5.

DISCLOSURES REGARDING
THE PROPOSED ACTION

The Council has made the following initial determinations:

Mandate on local agencies and school districts: No additional mandate beyond that imposed by existing law.

Cost or savings to any state agency: No additional costs or savings beyond those imposed by existing law.

Cost to any local agency or school district, which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: No additional costs or savings beyond those imposed by existing law.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or businesses: No additional costs or savings beyond those imposed by existing law. Therefore, the agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Results of the economic impact assessment/analysis: The Council anticipates that the adoption of the regulations will not impact the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses within the state, or the expansion of businesses currently doing business within the state. To the contrary, adoption of the proposed amendments is anticipated to benefit the health and welfare of California residents as well as state-funded and state-administered programs and activities by clarifying and streamlining the operation of the law, making it easier to understand respective rights and obligations, and reducing litigation costs. These regulations would not affect the environment.

Statewide adverse economic impact directly affecting businesses and individuals: The Council has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

Small Business Determination: The Council anticipates that the regulations will not create additional costs or savings beyond those imposed by existing regulations. Similarly, the Council has determined that there is no impact on small businesses as a result of this proposed action because these regulations primarily serve to clarify existing law.

Business Report: The Council has determined that the proposed regulations do not require a report to be made.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Council must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the Council's attention would be more effective in carrying out the purpose for which this action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Council has thus far not become aware of a better alternative and invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Rachael Langston,
Senior Fair Employment and Housing Counsel
Civil Rights Department
555 12th Street — Suite 2050
Oakland, CA 94607
Telephone: (916) 478-7251
Email: rachael.langston@dfeh.ca.gov

The backup contact person for these inquiries is:

Mariel Block,
Senior Fair Employment and Housing Counsel
Civil Rights Department
555 12th Street — Suite 2050
Oakland, CA 94607
Telephone: (916) 478-7251
Email: mariel.block@dfeh.ca.gov

Please direct requests for copies of the proposed text (express terms) of the regulations, the Initial Statement of Reasons, any modified text of the proposed regulations, or other information upon which the rulemaking is based, should other sources be used in the future, to Rachael Langston at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Council will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above Oakland address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. Copies may be obtained by contacting Rachael Langston at the address, email, or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Rachael Langston at the address indicated above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available on the Council's webpage: <https://calcivilrights.ca.gov/civilrightscouncil/>.

Copies also may be obtained by contacting Rachael Langston at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations, any modified texts, and the Final Statement of Reasons can be accessed through the Council's webpage at <https://calcivilrights.ca.gov/civilrightscouncil/>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and

87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Antelope Valley Community College District
Fairfield-Suisun Unified School District
Golden Gate Bridge, Highway and Transportation District
John Adams Academies

STATE AGENCY:

Department of Social Services

ADOPTION

MULTI-COUNTY:

California Municipal Finance Agency Special Finance Agency

A written comment period has been established commencing on February 10, 2023 and closing on March 27, 2023. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest codes will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed codes will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest codes, proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed codes to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than March 27, 2023. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not “costs mandated by the state” as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest codes should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 2. STATE
TREASURER’S OFFICE**

**NOTICE OF INTENTION TO AMEND
CONFLICT-OF-INTEREST CODE**

NOTICE IS HEREBY GIVEN that FIONA MA, the Treasurer of the State of California, pursuant to the authority vested in her by Government Code sections 87300 through 87302, and 87306, proposes to amend the conflict-of-interest code. Pursuant to Government Code sections 87300 through 87302, and 87306, the conflict-of-interest code designates employees and others who must disclose certain investments, income, interests in real property, and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. The amendment includes:

- Deletion of a multi-member body chaired by the State Treasurer
- Deletion of designated positions
- Addition of a multi-member body chaired by the State Treasurer
- Addition of designated positions

Copies of the proposed amended code are available and may be requested from the agency contact set forth below.

WRITTEN COMMENT PERIOD

A written comment period has been established commencing on February 10, 2023 and terminating on March 31, 2023. Any interested person may submit written comments concerning the proposed conflict-of-interest code amendment no later than March 31, 2023 to:

State Treasurer’s Office
Attention: Spencer Walker, General Counsel
915 Capitol Mall, Room 110
Sacramento, CA 95814

A public hearing on this matter will not be held unless no later than 15 days prior to the close of the written comment period, an interested person or his or her representative submits to the agency contact set forth below a request for a public hearing.

The State Treasurer has prepared a written explanation of the reasons for the designations, disclosure categories, and disclosure responsibilities, and has available all of the information upon which the proposed amendment is based.

AGENCY CONTACT

Copies of the proposed amendment to the conflict-of-interest code and all of the information upon which the amendment is based may be obtained from, and any inquiries concerning the proposed amendment should be directed to:

State Treasurer's Office
Attention: Spencer Walker
915 Capitol Mall, Room 110
Sacramento, CA 95814
(916) 653-2995
spencer.walker@treasurer.ca.gov

ALTERNATIVES CONSIDERED

The State Treasurer must determine that no alternative considered by the State Treasurer would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Treasurer has determined that the proposed amended code:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no cost or savings on any State agency.
3. Imposes no cost on any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.
4. Will not result in any nondiscretionary cost or savings to local agencies.
5. Will not result in any cost or savings in federal funding to the State.
6. Will not have any potential cost impact on private persons or businesses, including small businesses.

TITLE 4. HORSE RACING BOARD

- ARTICLE 2. DEFINITIONS
 - RULE 1420. DEFINITIONS
- ARTICLE 15. VETERINARY PRACTICES
 - RULE 1846. RACING
 - SOUNDNESS EXAMINATION
 - RULE 1846.1. VETERINARY RECORDS FOR HORSES SHIPPING INTO AN INCLOSURE TO RACE
 - RULE 1846.2. TRAINING
 - SOUNDNESS EXAMINATION
 - RULE 1846.3. VETERINARY AND TRAINING RECORDS FOR HORSES REQUIRING TRAINING
 - SOUNDNESS EXAMINATION

The California Horse Racing Board (Board) proposes to add or amend each regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Board Rule 1846.2, Training Soundness Examination, and Board Rule 1846.3, Veterinary and Training Records for Horses Requiring Training Soundness Examination, to require a horse that has not recorded a work or race in the past 90 days to be subject to a veterinary examination for training soundness and health and to require the trainer to submit to the regulatory veterinarian, prior to the examination, the veterinary treatment and training records for the previous 60 days, respectively. Additionally, the Board proposes to amend Board Rule 1420, Definitions, to define the term "regulatory veterinarian," which is used in proposed Board rules 1846.2 and 1846.3. Finally, the Board proposes to amend Board Rule 1846, Racing Soundness Examination, to set forth minimum requirements for the Racing Soundness Exam, in conformity with the

Horsereading Integrity and Safety Authority (HISA) federal regulations, and to amend Board Rule 1846.1, Veterinary Records for Horses Shipping into an Inclosure to Race, to require a trainer to submit a veterinary treatment record to the official veterinarian within 24 hours of a horse arriving at a licensed inclosure and before any scheduled race or workout, add requirements to the veterinary treatment record, and require the official veterinarian to keep all veterinary treatment records submitted for each horse.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **March 27, 2023**. The Board must receive all comments by that time. Submit comments to:

Rick Pimentel, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 274-6043
Fax: (916) 263-6042
Email: repimentel@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Section 19440, 19562, 19563, and 19583.9, Business and Professions Code (BPC). Reference: Sections 19401, 19401(e), 19420, 19440, and 19562, BPC. Sections 337(f), (g), and (h), Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Horse Racing Law. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and control of horse racing and parimutuel wagering. BPC section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with Horse Racing Law, under which all horse races with wagering on their results

shall be conducted. BPC section 19563 provides that the Board may adopt any rules and regulations of the United States Trotting Association, not inconsistent with Horse Racing Law, for the regulation of harness racing. BPC section 19583.9, in part, provides that all horses at licensed race meets shall be subject to veterinary monitoring during morning training.

The proposed rulemaking will have the effect of further reducing horse fatalities by requiring a Training Soundness Exam. Horse fatalities have continued to decrease annually as a result of regulatory actions taken by the Board. However, the decrease in fatalities has highlighted the fact that catastrophic injuries caused by a return to training after an extended layoff now account for a large proportion of all catastrophic injuries and fatalities, despite a decrease in such injuries. In fiscal year (FY) 2020–2021, 12.5% of fatalities could have potentially been prevented, while in FY 2021–2022, 23% of fatalities could have potentially been prevented, with the Training Soundness Exam rule. So far in FY 2022–2023, 10% of fatalities could have potentially been prevented. Indeed, Bimson et al (2022) concluded that horses with extended periods between starts are at increased risk of catastrophic injury and should be carefully monitored early during training preparation. In short, this rule proposal could potentially have prevented 27 fatalities in the past two and a half years alone. These injuries involve fractures in the humerus, scapula, tibia, and pelvic bones. In light of these findings, the Board has determined that additional regulation is needed to establish a training soundness examination to help reduce such catastrophic injuries. Additionally, the recent implementation of HISA's federal regulations requires that the Board's rule regarding the Racing Soundness Exam be amended.

The proposed regulatory action will add Board Rule 1846.2 to require a training soundness exam for horses prior to returning to training after having gone 90 days or more without a recorded work or race. The proposed regulatory action will also add Board Rule 1846.3 to require the trainer to submit veterinary treatment and training records to a regulatory veterinarian prior to the training soundness exam. Additionally, the proposed action will amend Board Rule 1420 to define the term "regulatory veterinarian," which is used in proposed Board rules 1846.2 and 1846.3.

The proposed regulatory action will also amend Board Rule 1846 to establish minimum requirements, in conformity with HISA's federal regulations, for the Racing Soundness Exam, require the trainer or knowledgeable representative to present the horse for examination, give the regulatory veterinarian the authority to determine the location of the exam, and require documentation of said exam. Finally, the proposed action will amend Board Rule 1846.1 by requiring the

trainer to submit a veterinary treatment record to the official veterinarian within 24 hours of a horse arriving at a licensed inclosure and before any scheduled race or workout. It will also add requirements to the veterinary treatment record and require the official veterinarian to keep all veterinary treatment records submitted for each horse.

ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed regulatory action will benefit the health and welfare of race horses and provide for consistency with HISA’s federal regulations and within the Board’s regulations. The addition of Board rules 1846.2 and 1846.3 will establish the Training Soundness Exam and require the submission of veterinary treatment and training records prior to the exam, respectively, which will help prevent certain fractures that are common when returning to training after an extended layoff, thereby reducing the risk for catastrophic injury. The amendment of Board Rule 1420 will define the term “regulatory veterinarian,” which is used in proposed Board rules 1846.2 and 1846.3. The amendment of Board Rule 1846 will add minimum requirements to the Racing Soundness Exam, in conformity with federal regulations, while the amendment of Board Rule 1846.1 will require the trainer to provide a veterinary treatment record to the official veterinarian within 24 hours of a horse arriving at a licensed inclosure and before any scheduled race or workout, add certain requirements to the veterinary treatment record, and require the official veterinarian to keep all veterinary treatment records submitted for each horse.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the regulatory action, the Board conducted a search of any similar regulations on the topics and concluded that the term “regulatory veterinarian” is not defined in any rule, as is proposed for the amendment of Board Rule 1420; Board Rule 1846 is the only regulation that sets forth the Racing Soundness Exam and its requirements; Board Rule 1846.1 is the only regulation that requires the submission of a veterinary treatment record for horses shipping into an inclosure to race or to work for removal from the Veterinarian’s List and sets forth the requirements for the veterinary treatment record; proposed Board Rule 1846.2 would be the only regulation that sets forth the Training Soundness Exam and its requirements; and proposed Board Rule 1846.3 would be the only regulation that requires the submission of veterinary treatment and

training records pertaining to the Training Soundness Exam and that sets forth the requirements for the veterinary treatment record and training record. Therefore, the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to local agencies and school districts that must be reimbursed in accordance with Government Code (GC) sections 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulatory action will require a Training Soundness Exam for horses prior to returning to training after having gone 90 days or more without a recorded work or race, require the trainer to submit veterinary treatment and training records to a regulatory veterinarian prior to the Training Soundness Exam, and define the term “regulatory veterinarian.” It will also establish minimum requirements for the Racing Soundness Exam, require the trainer or knowledgeable representative to present the horse for examination, give the regulatory veterinarian the authority to determine the location of the exam, and require documentation of said exam. Finally, the proposed regulatory action will require the trainer to submit a veterinary treatment record to the official veterinarian within 24 hours of a horse arriving at a licensed inclosure and before any scheduled race or workout, add requirements to the veterinary treatment record, and require the official veterinarian to keep all veterinary treatment records submitted for each horse.

The following studies/relevant data were relied upon in making the above determination: Bimson, N., Morrice–West, A., Wong, A., Hitchens, P., Rocca, M., & Whitton, R. “Catastrophic Musculoskeletal Injuries in Thoroughbred Racehorses in Uruguay, 2011–2017.” *Journal of Equine Veterinary Science* 117 (2022) 104074.

Cost impact on representative private persons or businesses: none. The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed regulatory action **will not** (1) create or eliminate jobs within the state; (2) create new businesses or eliminate existing businesses within the state; (3) result in the expansion of businesses currently doing business with the state; or (4) benefit the health and welfare of California residents, worker safety, or the state's environment. The proposed regulatory action will benefit the health and welfare of race horses and provide for consistency with HISA's federal regulations and within the Board's regulations. The proposed regulatory action is not anticipated to benefit worker safety or the state's environment.

Effect on small business: none. The proposed regulatory action does not affect small business because small businesses are not legally required to comply with or enforce the regulations and neither derive a benefit nor incur a detriment from the enforcement of the regulations. The proposed regulatory action will require a Training Soundness Exam for horses prior to returning to training after having gone 90 days or more without a recorded work or race, require the trainer to submit veterinary treatment and training records to a regulatory veterinarian prior to the Training Soundness Exam, and define the term "regulatory veterinarian." It will also establish minimum requirements for the Racing Soundness Exam, require the trainer or knowledgeable representative to present the horse for examination, give the regulatory veterinarian the authority to determine the location of the exam, and require documentation of said exam. Finally, the proposed regulatory action will require the trainer to submit a veterinary treatment record to the official veterinarian within 24 hours of a horse arriving at a licensed inclosure and before any scheduled race or workout, add requirements to the veterinary treatment record, and require the official veterinarian to keep all veterinary treatment records submitted for each horse.

CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the

purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Rick Pimentel, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 274-6043
Fax: (916) 263-6042
Email: repimentel@chr.ca.gov

If the person named above is not available, interested parties may contact:

Amanda Drummond, Manager
Regulations, Industry Applications, and
Administrative Hearings
Telephone: (916) 869-3255
Email: amdummond@chr.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Rick Pimentel or the alternative contact person at the address, phone number, or email address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt

the proposed regulation substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Rick Pimentel at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Rick Pimentel at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The Board's website address is www.chrb.ca.gov.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

PK-3 EARLY CHILDHOOD EDUCATION SPECIALIST CREDENTIAL

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action. A copy of the proposed regulations is included with the added text underlined and the deleted text lined out.

The Commission has not scheduled a public hearing on this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the comment period.

SUMMARY OF THE EFFECT OF THE PROPOSED ACTION

The Commission on Teacher Credentialing (Commission) proposes amendments to Title 5 of the Cal-

ifornia Code of Regulations (CCR), 80067, 80067.1, 80067.2, 80067 to implement the updated PK-3 Early Childhood Education (ECE) Specialist Credential and the accompanying Program Preconditions, Program Standards, and Teaching Performance Expectations (TPEs).

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed action by fax, through the mail, or by email. The written comment period closes March 27, 2023. Comments must be received by that time or may be submitted at the public hearing, should one be requested. Interested parties may fax their response to (916) 327-3165; write to the Commission on Teacher Credentialing, Attention: Christina Villanueva, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to Christina Villanueva (Christina.Villanueva@ctc.ca.gov) or Sandra Burwick (Sandra.Burwick@ctc.ca.gov).

Any written comments received by the closing of the public comment period will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

AUTHORITY AND REFERENCE

Education Code (EC) section 44225(q) authorizes the Commission to adopt the proposed regulations and amendments. These regulations are proposed in order to implement, interpret, and make specific the following: Education Code section 44225(b) and (e), 44256(c), 44259.7, 44265, 44265.5, 44325(c)(4), 44227.7, 44373, pertaining to the PK-3 Early Childhood Education Specialist Credential.

INFORMATION DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

The Commission is required by Education Code section 44225(a) to "Establish professional standards, assessments, and examinations for entry and advancement in the education profession." The Commission is also tasked with promulgating regulations that both clarify and specify the requirements associated with the various teaching and services credentials that it issues. When promulgating regulations, the Commission must ensure that it has the statutory authority to support the requirements and preparation pathways

described within those regulations. Education Code section 44225(q) provides the Commission with clear authority to “propose appropriate rules and regulations” that support the sections of the Education Code that fall under Commission authority.

Education Code also authorizes the Commission to issue credentials in various teaching specialties, including but not limited to bilingual education, early childhood education, and special education in section 44265. The statute requires that these specialist teaching credentials shall be based upon 1) a baccalaureate degree from a regionally accredited institution of higher education, 2) completion of a program of professional preparation, and 3) any other standards which the Commission may establish. The authority to determine the content of such a program of professional preparation and any other standards required for the credential, is expressly authorized by this statute and is supported through the regulatory process.

This rulemaking action proposes amendments to the CCR relating to the early childhood education specialist credential established in 44265. These proposed amendments establish an updated version of this credential called the PK–3 ECE Specialist Credential and include the accompanying Program Preconditions, Program Standards, and TPEs. The amendments include the proposed requirements for earning the PK–3 ECE Specialist Credential and present pathways and options for candidates to complete each of the proposed credential requirements. This work is responsive both to the direction provided by the state’s Master Plan for Early Learning and Care and to the need for additional ECE teachers to support the statewide Universal Transitional Kindergarten (UTK) implementation as called for in the Governor’s budget.

In October 2020, California’s Health and Human Services Agency released the Master Plan for Early Learning and Care, establishing a vision of ensuring that all California children thrive physically, emotionally, and educationally in their early years through access to high-quality early learning and care resources; equitable opportunities for the workforce that advance equitable outcomes for children; and greater efficiencies through structures for continuous improvement. In addition, the Master Plan also called for establishing a PK–3 credential. The Governor’s 2022 budget provided significant investments for implementing universal transitional kindergarten (UTK) to serve all four-year-olds as well as for moving forward towards implementing universal preschool (UPK) on a phased-in basis, potentially serving children as young as two years old in the future.

The proposed PK–3 ECE Specialist Credential has also been intentionally designed to recognize and provide pathways for those who hold a bachelor’s degree and have already gained experience and expertise in

early childhood education through their work in programs within California’s mixed delivery early childhood education system (e.g., California State Preschool Program, Head Start, private preschools, and others), to have an expedited pathway to earning the credential and beginning to teach in the PK–3 environment.

The PK–3 ECE Specialist Credential would also provide accelerated pathways for current Multiple Subject Credential holders as well as Child Development Teacher Permit (CDP) holders with a bachelor’s degree to earn the credential and begin serving as quickly as possible in UPK/UTK settings. Although Multiple Subject Credential holders are already authorized by their credential to teach any of grades PK–12 in a self-contained setting, these teachers may also want to add the PK–3 authorization to document specific expertise in early childhood education as an option for meeting apportionment requirements under EC 48000(g)(4) for serving in a Transitional Kindergarten assignment.

In spring 2022, Senate Bill (SB) 488 was signed by the Governor, amending Education Code sections 44283 and 44283.2 and revising the definition of “study of effective means of teaching literacy” in Education Code sections 44259 (b)(4)(A) and (B), requiring the Commission to complete a series of actions related to literacy instruction. The Commission is required to update program standards and Teaching Performance Expectations (TPEs) to ensure alignment with the current State Board of Education (SBE) adopted English Language Arts/English Language Development Framework and incorporate the California Dyslexia Guidelines.

These proposed amendments incorporate the updated SB 488–mandated Literacy TPEs and program standard applicable to the PK–3 ECE Specialist Instruction Credential.

Objectives and Anticipated Benefits of the Proposed Regulations

The Commission anticipates that the proposed amendments will develop, maintain, and promote high quality authentic, consistent educator assessments and examinations that support development and credentialing of educators who have demonstrated the capacity to be effective practitioners. In addition, that the regulations will drive program quality and effectiveness for the preparation of the education workforce and are responsive to the needs of California’s diverse student population.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulation amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that these are

the only regulations that concern the PK–3 ECE Specialist Credential requirements.

DISCLOSURES REGARDING THE
PROPOSED ACTIONS/FISCAL IMPACT

The Commission has made the following initial determinations.

Local Mandate

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code. Local education agencies may choose to sponsor an educator preparation program for PK–3 ECE Specialist Credentials utilizing the proposed regulations, however no mandate exists requiring local agencies or school districts to have educator preparation programs and, therefore, no reimbursement in accordance with Part 7 (commencing with section 17500) of the government code is required.

Fiscal Impact

Cost to any local agency or school district requiring reimbursement pursuant to Government Code section 1700 et seq.

These proposed regulations will not impose a cost to local agencies or school districts requiring reimbursement in accordance with Part 7 (commencing with section 17500) of the Government Code as sponsoring an educator preparation program for PK–3 ECE Specialist Credentials that is aligned to the proposed regulations and is not required by law. A school district or institution of higher education has the choice to offer the PK–3 ECE Specialist Credential, however, it is not a mandate.

Cost or savings to any state agency

None. Sponsoring an educator preparation program for PK–3 ECE Specialist Credentials that is aligned to the proposed regulations is not required by law.

Other non-discretionary costs or savings imposed upon local agencies

None. Sponsoring an educator preparation program for PK–3 ECE Specialist Credentials that is aligned to the proposed regulations is not required by law and is voluntary.

Cost or savings in federal funding to the state

None. Sponsoring an educator preparation program for PK–3 ECE Specialist Credentials that is aligned to the proposed regulations is not required by law and is voluntary.

Housing Costs

No significant effect on housing costs exists. The proposed regulations do not intersect with the cost of housing.

Significant Statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states

The Commission has concluded there is no significant adverse impact on business. These regulations make clear the required components of preparation for the PK–3 ECE Specialist Instruction credential that must be addressed by program sponsors wanting to offer preparation for this credential.

Statement of the Results of the Economic Impact Assessment

In accordance with Government Code section 11346.3(b), the Commission has made the following assessments regarding the proposed regulations:

Creation or Elimination of Jobs within California

These amendments will not create or eliminate jobs in California. The proposed amendments pertain to the credentialing of PK–3 ECE specialists, that would authorize service in any grades PK–3. These amendments help to address the need for additional ECE teachers to support the statewide UTK implementation and are necessitated by statutory changes. The Commission anticipates that the proposed amendments will increase opportunities for candidates to complete their credentialing requirements thereby possibly increasing the supply of fully prepared teachers who will be ready to enter the California teaching workforce.

Creation of New Businesses or Elimination of Existing Business within California

The Commission concludes that it is unlikely that the proposal will create any new businesses or eliminate any existing businesses within the State of California since the educational institutions are California State Universities, Universities of California, private four-year colleges and universities, or local education agencies, none of which meet the definition for small business.

Expansion of Businesses Currently Doing Business within the California

The proposed amendments pertain to the credentialing of PK–3 early childhood education specialists. While there may be some slight expansion of enrollment at Commission–approved preliminary programs due to educators seeking the new PK–3 ECE credential, this is expected to be minimal. These amendments will not cause the elimination of existing businesses in California.

Benefits of the Regulations

The Commission anticipates that the proposed amendments will help improve services to students in grades PK–3 by better preparing California educators to serve in early childhood education settings.

The Commission does not anticipate that the proposed regulations will result in an increase in the pro-

tection of public health and safety, worker safety, or the environment, or an increase in openness and transparency in business. To the extent that Education Specialists will be better prepared to address the needs of students in grades PK–3, the proposed regulations may lead to an increase in the prevention of social inequity.

Cost Impacts on a Representative Private Person or Business

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business Report

This proposal does not require a business report to be made.

Effect on Small Business

The proposed regulations will not have a significant adverse economic impact upon small businesses. The proposed regulations apply only to individuals seeking a credential or authorization to teach in any grades PK–3 in California public schools.

Alternatives Statement

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Christina Villanueva by telephone at (916) 327–2967, by mail at Commission on Teacher Credentialing, Attention: Christina Villanueva, 1900 Capitol Avenue, Sacramento, CA 95811, or by email to: Christina Villanueva (Christina.Villanueva@ctc.ca.gov) or Sandra Burwick (Sandra.Burwick@ctc.ca.gov). General question inquiries may also be directed to the addresses mentioned above. Upon request, a copy of the express terms of the proposed action and a copy of the Initial Statement of Reasons will be made available. This information is also available on the Commission’s website at <http://www.ctc.ca.gov/notices/rulemaking.html>. In addition, all the information on which this proposal is based is available for inspection and copying.

Availability of Statement of Reasons and Text of Proposed Regulations

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, and an economic impact assessment/analysis contained in the Initial Statement of Reasons. Copies may be obtained by contacting Christina Villanueva at the addresses or telephone number provided above.

Modification of Proposed Action

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, following the conclusion of the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Christina Villanueva at Christina.Villanueva@ctc.ca.gov.

Availability of Documents on the Internet

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Commission’s website at <http://www.ctc.ca.gov/notices/rulemaking.html>.

TITLE 20. ENERGY COMMISSION

AMENDMENT OF THE HOME ENERGY RATING SYSTEM (HERS) REGULATIONS

TITLE 20, SECTIONS 1670–1675
DOCKET NUMBER 23–HERS–01

INTRODUCTION

Notice is hereby given that the California Energy Commission (CEC) proposes to amend the Home Energy Rating System (HERS) regulations contained in the California Code of Regulations (CCR), Title 20 (“the Proposed Action”) **to remove regulations related to the field verification and diagnostic testing (FV&DT)**, after considering all comments, objections, and recommendations regarding the Proposed Action.

In a separate rulemaking, CEC proposes adding FV&DT regulations to CCR, Title 24. That rulemaking is currently in the pre-rulemaking stage. For more details on this separate rulemaking please see Docket Number 22-BSTD-03.

PUBLIC HEARING

CEC staff will hold a public hearing on the proposed regulations at the date and time listed below. Interested persons, or their authorized representative, may present statements, arguments, or contentions relevant to the proposed regulatory changes at the public hearing. *The record for this hearing will be kept open until every person who is present has had an opportunity to provide comment.*

Tuesday, March 28, 2023

10:00 a.m. (Pacific Time)

The public hearing will be held remotely to improve and enhance public access to meetings, allowing broader access through teleconferencing options. Instructions for remote participation in the public hearing are below.

REMOTE ATTENDANCE

The public hearing may be accessed by clicking the Zoom link below or visiting Zoom at <https://join.zoom.us> and entering the ID and password below. If you experience difficulties joining, you may contact Zoom at (888) 799-9666 ext. 2, or the Office of the Public Advisor, Energy Equity and Tribal Affairs at publicadvisor@energy.ca.gov or by phone at (916) 654-4489 or toll free at (800) 822-6228.

Zoom Link:

<https://energy.zoom.us/j/87912688427?pwd=RWtOT3RpRmR2YjFxb0Y1YTRIZlRndz09>

Webinar ID: 879 1268 8427

Password: 951808

To participate by telephone dial (213) 338-8477 or (888) 475-4499 (toll free). When prompted, enter the Webinar ID and password listed above. To comment or ask a question over the telephone, dial *9 to “raise your hand” and *6 to mute/unmute your phone line.

PUBLIC ADVISOR

The CEC’s Office of the Public Advisor, Energy Equity and Tribal Affairs provides the public assistance in participating in CEC proceedings. For information on participation or to request interpreting services or reasonable accommodations, reach out via email at publicadvisor@energy.ca.gov, by phone at (916) 654-4489, or toll free at (800) 822-6228. Requests for interpreting services and reasonable accommodations

should be made at least five days in advance. The CEC will work diligently to accommodate all requests.

Zoom: If you experience difficulties with the Zoom platform, please contact the Office of the Public Advisor, Energy Equity and Tribal Affairs via email or phone.

MEDIA INQUIRIES

Direct media inquiries to the Media and Public Communications Office at (916) 654-4989 or mediaoffice@energy.ca.gov.

PUBLIC COMMENT PERIOD

The public comment period for the proposed amendment of the HERS regulations will be held from **February 10, 2023, through March 27, 2023**. Any person may submit written comments to the CEC for consideration on or prior to **March 27, 2023**. The CEC appreciates receiving written comments at the earliest possible date. Comments submitted outside this comment period are considered untimely. The CEC may, but is not required to, respond to untimely comments, including those raising significant environmental issues.

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address if provided in a comment) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency-0> which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document consistent with CCR, Title 20, section 1208.1. The maximum file size allowed is 10 MB.

Written comments may also be submitted by email. Include docket number 23-HERS-01 in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:

California Energy Commission
Docket Unit
Docket Number 23-HERS-01
715 P Street
Sacramento, CA 95814

To ensure you receive notice of any changes to the proposed regulations in this proceeding, please follow

the instructions provided at the end of this notice to join the proceeding subscription list or provide a valid email or mailing address with your comments.

STATUTORY AUTHORITY AND REFERENCE

Authority cited: Sections 25213, 25942, and 25943, Public Resources Code.

Reference: Section 25942, Public Resources Code.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

The Warren–Alquist Act establishes the CEC as the state’s primary energy policy and planning agency. The Warren–Alquist Act directs the CEC to “employ a range of measures to reduce wasteful, uneconomical, and unnecessary uses of energy, reducing the rate of growth of energy consumption, prudently conserve energy resources, and assure statewide environmental, public safety, and land use goals.” As part of accomplishing this mandate, the Act requires the CEC to promulgate energy standards for newly constructed buildings, additions to existing buildings, and alterations to existing buildings. The Building Energy Efficiency Standards (Energy Code) is a unique California asset that has placed the state on the forefront of energy efficiency, sustainability, energy independence, and climate change issues and has provided a template for national standards within the United States as well as for other countries around the globe. The Energy Code is in CCR, Title 24, Parts 1 and 6. CEC administers an FV&DT testing program to collect data and verify compliance with the Energy Code.

Another distinct but related way the CEC fulfills this mandate is through the development of the California Home Energy Rating System (HERS) Program regulations (CCR, Title 20, sections 1670–1675). The HERS program is a voluntary home energy usage rating program that assigns a rating on the home based on energy performance and provides efficiency upgrade recommendations to improve the whole–house rating. The HERS whole–house program utilizes HERS Providers to certify, train, and oversee HERS raters that perform the whole–house ratings.

As implemented, both the HERS whole–house and the FV&DT programs utilize raters that are governed by the regulations located at Title 20, sections 1670–1675 despite the different purposes of the two programs. The HERS whole–house rater assigns a rating to the home based on energy performance analysis and seeks to educate and advise consumers on energy efficiency measures they can voluntarily install to improve the energy efficiency of their home. By contrast, the FV&DT rater verifies compliance with the requirements of the Energy Code in newly construct-

ed residential buildings, and alterations and additions to existing residential buildings.

The HERS whole–house program is not intended to verify compliance with the Energy Code, but instead is to give homeowners insight into the energy performance of their home and a pathway to improve it. The FV&DT program must address an ever–changing landscape of energy efficiency requirements adopted into the Energy Code update every three years. This three–year cycle aligns with and becomes part of the California Building Standards Code developed by the California Building Standards Commission.

Because the HERS whole–house and FV&DT programs differ so greatly, a single set of requirements in Title 20 to cover both program administration makes it difficult for the CEC to implement and administer both the HERS whole–house and FV&DT programs. It also makes it more confusing to program stakeholders including HERS Providers, raters, rater companies, builders, and especially homeowners.

Therefore, to improve the administration of both programs and reduce confusion within the public and the regulated community, the CEC is proposing to separate the two programs by repealing all provisions relating to the FV&DT program from the HERS whole–house regulations in Title 20, while updating the FV&DT requirements in a separate rulemaking as a part of the 2025 triennial Building Energy Efficiency Standards rulemaking cycle under the jurisdiction of the California Building Standards Commission.

The scope of this rulemaking is limited to repealing provisions referencing the FV&DT program in Title 20. For information about the changes to the FV&DT program that the CEC is undertaking in a separate rulemaking for Title 24, please see Docket No. 22–BSTD–03, which is currently in the pre–rulemaking stage. Changes to Title 24 during the 2025 Energy Code update cycle are subject to the triennial cycle, which will entail further pre–rulemaking and formal rulemaking notice and comment periods prior to the required effective date of January 1, 2026.

The proposed amendments to Title 20 would be effective January 1, 2026, to coincide with the effective date of the Title 24 2025 Energy Code update.

Summary of proposed regulatory changes.

The express terms indicate both the current language that will remain in effect until December 31, 2025, as well as the language that will replace it on January 1, 2026. Each section contains added language to demarcate which language will go into effect January 1, 2026, and which language will be replaced. The replacement language includes underline and strikeout to show the changes that will become effective as of January 1, 2026.

Difference from existing comparable federal regulations or statute

These proposed regulations do not duplicate or conflict with any federal statute or regulations.

Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments.

The broad objective for the proposed regulations is to repeal regulations related to the FV&DT program from Title 20, effective January 1, 2026. In a separate rulemaking CEC proposes adding FV&DT regulations into Title 24 of the 2025 Energy Code.

The specific benefits of the proposed regulations will be to enhance the clarity and regulatory certainty of the regulations by creating two independent programs each tailored to support a single key purpose and service. Moving regulations related to the FV&DT program into Title 24 benefits the state by providing a regular opportunity to easily update the FV&DT program on a triennial basis to keep up with the ever-changing requirements in the Energy Code updates.

Determination of inconsistency or incompatibility with existing state regulations

The CEC proposes to repeal requirements in Title 20 related to the FV&DT program and place those requirements into the Title 24 Energy Code effective January 1, 2026. The CEC has conducted an evaluation and determined that the proposed removal of regulations related to the FV&DT program from the Title 20 regulations would not prevent compliance with existing state regulations and are neither inconsistent nor incompatible with any other existing state regulations. Rather, the repeal of regulations related to the FV&DT program from Title 20 will avoid duplication and potential inconsistency with the addition of those provisions in Title 24 in the separate rulemaking the CEC is undertaking.

**DOCUMENTS INCORPORATED
BY REFERENCE**

No documents are being proposed to be incorporated by reference.

**MANDATED BY FEDERAL
LAW OR REGULATIONS**

None.

OTHER STATUTORY REQUIREMENTS

None.

LOCAL MANDATE DETERMINATION

The proposed regulations will not impose a mandate on local agencies or a school district that requires reimbursement pursuant to 17500 et seq.

FISCAL IMPACTS

The CEC has made the following initial determinations:

- Cost to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq.: None.
- Cost or savings to any state agency: None.
- Non-discretionary cost or savings imposed upon local agencies: None.
- Cost or savings in Federal funding to the state: None.

SIGNIFICANT EFFECT ON HOUSING COSTS

None.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING ABILITY OF
CALIFORNIA BUSINESSES TO COMPETE
WITH BUSINESSES IN OTHER STATES**

The CEC has made an initial determination that the proposed regulatory changes will not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Because there will be no changes to the industry as a result of repealing the FV&DT program from the Title 20 regulations, no impacts to businesses are expected.

THE ECONOMIC IMPACT ANALYSIS

The CEC concludes that: (1) the proposal will not create jobs within California, (2) the proposal will not eliminate jobs within California, (3) the proposal will not create new businesses in California, (4) the proposal will not eliminate existing businesses within California, and (5) the proposal will not result in the expansion of businesses currently doing business within the state.

The benefits of the proposed regulations will be to enhance the clarity and regulatory certainty of the regulations by creating two independent programs each tailored to support a single key purpose and service. Moving regulations relevant to the FV&DT program into Title 24 benefits the state by providing a regular opportunity to easily update the FV&DT program on

a triennial basis to keep up with the ever-changing requirements in the Energy Code updates.

The proposed regulatory changes will not adversely impact the health and welfare of California residents, worker safety, or the state's environment.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The CEC is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the Proposed Action.

Because there will be no changes to the industry as a result of repealing the FV&DT program from the Title 20 regulations, no impacts to businesses or representative persons are expected.

BUSINESS REPORT

The proposed regulatory changes do not impose a new reporting requirement for businesses.

EFFECT ON SMALL BUSINESS

The proposed regulatory changes will not affect small business as there will be no changes to the industry as a result of repealing the regulations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the CEC must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the Proposed Action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

Questions should be addressed to:

Corrine Fishman, Regulations Manager
Efficiency Division
(916) 805-7452

or

Lorraine White, Branch Manager
Standards Compliance Branch
(916) 628-2654

COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE

The CEC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at 715 P Street, Sacramento CA 95814. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms, the Initial Statement of Reasons, and any documents relied upon. Copies may be obtained by contacting Corrine Fishman or accessed through the CEC website at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency-0>.

AVAILABILITY OF CHANGES TO ORIGINAL PROPOSAL FOR AT LEAST 15 DAYS PRIOR TO AGENCY ADOPTION/REPEAL/AMENDMENT OF RESULTING REGULATIONS

Participants should be aware that any of the proposed regulations could be changed as a result of public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the CEC considers changes to the proposed regulations pursuant to Government Code section 11346.8, a full copy of the text and any additional documents relied upon will be available for review at least 15 days prior to the date on which the CEC adopts or amends the resulting regulations.

COPY OF THE FINAL STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons once it has been prepared, by visiting the CEC website at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency-0> or contacting Corrine Fishman.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The CEC maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the CEC for this rulemaking have been posted on our website at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy->

[efficiency-standards/2025-building-energy-efficiency-0](https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency-0).

INSTRUCTIONS FOR RECEIVING NOTICES
AND DOCUMENTS IN THIS PROCEEDING

To stay informed about this proceeding and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe to the proceeding email, which can be accessed at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency-0>.

The CEC’s subscription lists send out email notifications and direct links when documents and notices are filed in the proceeding docket. If you are unable or do not wish to sign up for the subscription list but still would like to receive documents and notices by other means, please contact Corrine Fishman at corrine.fishman@energy.ca.gov.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

HABITAT RESTORATION AND
ENHANCEMENT ACT

CONSISTENCY DETERMINATION
NUMBER 1653-2022-102-001-R1

Project: Phase 1 Rockwads Project

Location: Shasta County, CA

Applicant: John Hannon

Notifier: U.S. Bureau of Reclamation

Background

Project Location: The project area is located on the Sacramento River, immediately upstream and downstream of the South Bonnyview Road bridge. Coordinates for the project area are latitude: 40.539368°, and longitude: -122.357754°.

Project Description: The purpose of the project is to provide deep-water rearing habitat for juvenile salmonids through the installation of 20 rockwad structures in the river. The structures will consist of woody material (root wads and tree canopies of orchard trees and native trees as available) firmly anchored (bolted) to angular boulders weighing approximately six tons each to ballast the structures. The woody material is intended to provide cover for juvenile salmonids to shelter from velocity and larger predators. The boulder

is sized to anchor the structure and not move during flows up to the 1 percent annual exceedance flow of 79,000 cubic feet per second (cfs).

The structures will be placed upstream and downstream of the South Bonnyview Road Bridge in locations with a minimum of 5.5 feet of freeboard of water depth above the top of the structures during drought conditions (approximately 3,000 cfs river flow rate) within the project site. The freeboard is intended to reduce the potential for recreational hazards during summer flow conditions and reduce the likelihood of debris capture during high flow conditions.

The project staging area(s) will use the ACID pumping station property on the east bank of the river, downstream of the bridge and the City of Redding South Bonnyview Boat Launch and parking lot, on the west bank of the river, downstream of the bridge. Rockwads will be constructed in the staging areas and loaded onto a barge with an onboard crane. The structures will then be placed onto the riverbed with the crane.

The project includes post-installation monitoring of the physical longevity of the structures as well as of juvenile salmonids and their associated predators adjacent to the installed structures. Monitoring methods are currently being developed but will likely involve using sonar cameras and high-definition color underwater video cameras.

Project Size: The total area of ground disturbance associated with the Project is approximately 3.2 acres and 395 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

Temporary Impacts to jurisdictional resources:
0.02 acres, 16 linear feet of streambed, bank, and/or channel.

Permanent Impacts to jurisdictional resources:
0.02 acres, 300 linear feet of streambed, bank, and/or channel.

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: installation of a temporary gravel access ramp and placement of rockwads onto the riverbed. Temporary discharges into Waters of the State are approximated at 16 cubic yards of gravel that will be utilized as an access ramp and then removed. Permanent discharges into Waters of the State are approximated at 43 cubic yards from the placement of rockwad structures onto the riverbed.

Project Timeframes:

Start date: February 1, 2023
Completion date: February 28, 2023
Number of workdays: Approximately 14 days total, with 7 of those days being in–water work.

Water Quality Certification Background: Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California, the Central Valley Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) Waste Discharge Identification (WDID) No. 5A45CR00625 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided supplemental documents that set forth measures to avoid and minimize impacts to fish and wildlife.

Receiving Waters: Sacramento River

Filled or Excavated Areas:

Temporary Fill/Excavation Impact Information: 0.02 acres, 16 linear feet, 16 cubic yards of material

Permanent Fill/Excavation Impact Information: 0.02 acres, 300 linear feet, 43 cubic yards of material

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On 12/28/2022, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on 12/28/2022, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2022–1228–03) on 1/13/2023. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non–habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board’s Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an addendum to the NOI. The specific avoidance and minimization measures as well as water quality protection measures are found in the addendum titled: *Addendum 1– Avoidance and Minimization — Phase 1 Rockwads*

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included an outline of the monitoring plan in the NOI. The Applicant’s Monitoring Plan provides a timeline for restoration and monitoring parameters and protocols. Additional details on the biological monitoring effort of the post–construction site are still in development, but an overview of the Monitoring Plan is found in the supplemental document titled: *Addendum 2 — Description of Monitoring — Rockwads*.

Notice of Completion

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant’s NOI. Applicant shall include the project name and WDID number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: ali.aghili@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CD-FW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & Game Code, § 1654, subdivision (c).)

**DEPARTMENT OF
FISH AND WILDLIFE**

CALIFORNIA ENDANGERED SPECIES ACT

CONSISTENCY DETERMINATION
NUMBER 2080R-2022-021-02

Project: Stone Lakes Restoration Project –
Serra Property

Location: Sacramento County

Applicant: Ducks Unlimited

Background

Ducks Unlimited (Applicant) proposes to restore and enhance approximately 58 acres of freshwater emergent seasonal wetlands to improve shorebird, waterfowl, and sandhill crane habitat, and increase the diversity and extent of native wetland plants within existing managed seasonal wetlands. The Stone Lakes Restoration Project — Serra Property (Restoration Project) includes the following: grading and creation of swales and interconnected pothole features throughout the Restoration Project site; reconstruction of berms with access roads; installation of a new pre-cast concrete water control structure with placement of rock at the inlet and outlet to reduce erosion; and placement of rock at an existing overflow valve to reduce erosion to adjacent swale habitat features. The Restoration Project is located adjacent to Stone Lake National Wildlife Refuge at latitude 38°20’51.59” North and longitude 121°29’ 39.96” West, Assessor Parcel Number 132-0210-006-0000.

The Restoration Project activities described above are expected to take¹ giant garter snake (GGS) (*Thamnophis gigas* (= *T. couchi gigas*)) where those activities take place within areas adjacent to aquatic habitat on the Restoration Project site. In particular, GGS could be taken as a result of crushing during grading, construction, and equipment mobilization. GGS is designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(4)(E).)

GGS individuals are documented as present 10 miles from the Restoration Project site and there is suitable GGS habitat within and adjacent to the Restoration Project site. Because of the proximity of the nearest documented GGS, dispersal patterns of GGS, and the presence of suitable habitat for GGS within the Restoration Project site, the United States Fish and Wildlife Service (Service) determined that GGS is reasonably certain to occur within the Restoration Project site and that Restoration Project activities are expected to result in the incidental take of GGS.

According to the Service, the Restoration Project will result in the temporary and permanent loss of less than 1 acre of GGS habitat.

Because the Restoration Project is expected to result in take of a species designated as threatened under the federal ESA, the Service consulted with itself, as required by the ESA. On August 31, 2022, the Service issued a programmatic biological opinion for eligible restoration projects, entitled Programmatic Biological and Conference Opinion California Statewide Programmatic Restoration Effort (Service file No. 2022-0005149-S7) (PBO), on the Statewide Programmatic Biological Assessment for Restoration: Multi-Agency Implementation of Aquatic, Riparian, Floodplain and Wetland Restoration Projects to Benefit Fish and Wildlife in California (PBA). The PBA was developed by the Service, US Army Corps of Engineers, and the National Oceanic and Atmospheric Administration’s Restoration Center. The PBO describes eligible restoration projects, requires all project applicants operating under the PBO to comply with terms of the PBO and its incidental take statement (ITS), and incorporates additional measures. The PBO requires the project proponent to request and receive project-specific approval through execution of an ESA Section 7(a)(2) Review Form. The Service signed the ESA

¹ Pursuant to Fish and Game Code section 86, “‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “‘take’...means to catch, capture or kill”).

Section 7(a)(2) Review Form, a copy of which is attached hereto and incorporated herein as Exhibit 1, as the project-specific approval for the Restoration Project on November 18, 2022.

On December 30, 2022, the Director of the Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the ITS, along with its accompanying PBO and the approved ESA Section 7(a)(2) Review Form, is consistent with CESA for purposes of the Restoration Project and GGS. (Cal. Reg. Notice Register 2023, No. 2-Z, p. 20.)

Determination

CDFW has determined that the ITS, along with its accompanying PBO and the project-specific approval for the Restoration Project, is consistent with CESA as to the Restoration Project and GGS because the measures contained in the ITS, along with its accompanying PBO and the ESA Section 7(a)(2) Review Form for the Restoration Project, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (a) and (c), for authorizing take of CESA-listed species. Specifically, CDFW finds that: (1) take of GGS will be for management purposes; (2) the measures required are roughly proportional in extent to any impact on GGS that is caused by the Restoration Project; (3) the measures required maintain the Permittee’s project purpose to the greatest extent possible; and (4) the Restoration Project will not jeopardize the continued existence of GGS.

Avoidance, Minimization, and Mitigation Measures. The avoidance, minimization, and mitigation measures in the ITS and PBO Exhibit 1 include, but are not limited to, the following:

- 1) Restoration Project activities within 200 feet of suitable aquatic habitat within the current GGS range will be limited to May 1 to October 15.
- 2) The Service will review and approve biologists to conduct surveys and monitor activities. These biologists will be hereinafter referred to collectively as Service-approved biologists.
- 3) All construction personnel will participate in environmental awareness training conducted by a Service-approved biologist. Personnel will be informed regarding identification, potential presence, habitat requirements, legal protections, avoidance and minimization measures, and applicable protection measures for potentially present GGS.
- 4) All trash that may attract wildlife will be properly contained in sealed containers and removed from the work site weekly.
- 5) Staging, storage, and stockpile areas must be outside of suitable GGS habitat unless necessary for Restoration Project implementation and approved

by the Service. Staging will occur on existing access roads and within dry areas outside of GGS habitat, to limit disturbance.

- 6) Drainages and suitable aquatic habitat within the Restoration Project area will be dewatered 15 days prior to project construction and vegetation removal. A Service-approved biologist will be present during initial dewatering activities and will periodically inspect waterways to confirm they remain dry and incapable of supporting GGS prey. In areas which cannot be adequately dewatered, a Service-approved biologist will be present for vegetation removal and initial ground disturbance.
- 7) Species handling and relocation are not anticipated for the Restoration Project. If GGS is observed in the construction area, all construction activities will cease, and a Service-approved biologist will be notified immediately. GGS will be allowed to leave on its own and activities will not resume until GGS has moved out the construction area.
- 8) A Service-approved biologist will conduct surveys if construction activities stop for two weeks or more.
- 9) Where burrows, cracks, and structures can provide underground refugia for GGS and during snake active period (May 1 to October 15), installation of erosion control, vegetation clearing in or within 100 ft of aquatic habitat will occur between 11:00 am and 6:00 pm. A Service-approved biologist will walk ahead of the removal of emergent wetland and herbaceous upland vegetation.
- 10) A 15 mile per hour speed limit will be observed within 200 feet of suitable GGS habitat. Drivers will stop for snakes on the roadways and wait for GGS to leave volitionally.

The PBO requires submission of annual reports. Although not a condition of the PBO, CDFW requests a copy of the reports as well. The reports should include dates construction occurred and the success of revegetation and restoration.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Restoration Project for take of GGS, provided the Applicant implements the Restoration Project as described in the PBO, including adherence to all measures contained therein, and complies with the measures and other conditions described in the ITS and PBO. If there are any substantive changes to the Restoration Project, including changes to the measures, or if the Service amends or replaces the ITS, or its accompanying PBO or ESA Section 7(a)(2) Review Form, the Applicant shall be required to obtain a new

consistency determination or a CESA take permit for the Restoration Project from CDFW. (See generally Fish & Game Code, §§ 2080.1, 2081, subdivisions (a) and (c)).

CDFW’s determination that the Service ITS, PBO, and project-specific approval are consistent with CESA is limited to GGS.

**DEPARTMENT OF
FISH AND WILDLIFE**

CALIFORNIA ENDANGERED SPECIES ACT

CONSISTENCY DETERMINATION
NUMBER 2080R-2022-019-03

Project:

Bolinas Lagoon Wye Wetland Resiliency Project

Location: Marin County

Applicant: Marin County Parks

Background

Marin County Parks (Applicant) proposes to return Lewis Gulch Creek to its former alluvial fan, re-align the intersection of Olema Bolinas Road and SR-1, and install a bridge crossing for Lewis Gulch Creek. The Bolinas Lagoon Wye Wetland Resiliency Project (Restoration Project) is located in Marin County, at coordinates 37.923722°, -122.698889°. The site is located at the northern end of Bolinas Lagoon.

Bolinas Lagoon and the watersheds of its north end tributaries (Lewis Gulch Creek, Wilkins Gulch Creek, Wharf Creek, and Salt Creek) have been altered by historical uses (logging, mining, and agricultural) and infrastructure changes. Both Lewis Gulch Creek and Wilkins Gulch Creek have been relocated from their original channels. While wetlands have slowly recovered, the remaining road infrastructure continues to impair Lewis Gulch Creek and the surrounding wetland habitats by restricting stream flows, floodplain connectivity, and habitat connectivity.

To restore Lewis Gulch Creek to its historical alignment on the alluvial fan, the creek will be redirected to the east side of Olema Bolinas Road, which will require re-aligning the intersection of Olema Bolinas Road at SR-1 and installing a bridge crossing for Lewis Gulch Creek. Fairfax Bolinas Road currently bisects the Wye wetlands and is a physical barrier to the movement of water and wildlife. The road will be removed, further allowing restoration of wetland habitats and allowing incremental landward migration of tidally influenced habitat types.

The Restoration Project will also install large woody debris and channel-facing rootwad structures to scour and maintain pool habitat, and the process-based design approach would allow space for pools and riffles to form from scour. The Restoration Project activities are expected to take¹ Central California Coast coho salmon (*Oncorhynchus kisutch*) (Covered Species) where those activities occur within Lewis Gulch Creek. In particular, the Covered Species could be taken as a result of fish relocation efforts, dewatering of the stream, and the use of heavy equipment in the stream. The Covered Species is designated as an endangered species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and an endangered species pursuant to the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (a)(2)(N).)

Covered Species individuals are documented as present in Pine Gulch creek, a Bolinas Lagoon tributary within a half mile of the Restoration Project site, and there is suitable habitat for the Covered Species within and adjacent to the Restoration Project site. Because of the proximity of the nearest documented Covered Species, dispersal patterns of the Covered Species, and the presence of suitable habitat for the Covered Species within the Restoration Project site, the National Marine Fisheries Service (Service) determined that the Covered Species is reasonably certain to occur within the Restoration Project site and that Restoration Project activities are expected to result in take of the Covered Species.

According to the Service, with respect to the Covered Species, the Restoration Project will result in the temporary loss of 1.8 acres of aquatic habitat. Construction of the Restoration Project will also result in the permanent loss of 0.2 acres of aquatic habitat.

Because the Restoration Project is expected to result in take of a species designated as endangered under the ESA, the US Army Corps of Engineers (Corps) consulted with the Service as required by the ESA. On June 14, 2016, the Service issued a programmatic biological opinion, entitled Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation, Service file No. WCR-2015-3755, to the Corps for eligible restoration projects. On August 3, 2022, the Service issued an addendum to that programmatic biological opinion.

¹ Pursuant to Fish and Game Code section 86, “‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “‘take’...means to catch, capture or kill”).

The June 14, 2016, programmatic biological opinion and the August 3, 2022, addendum to that programmatic biological opinion are hereinafter referred to collectively as the “PBO.” The PBO describes eligible restoration projects and requires all project applicants operating under the PBO to comply with the terms of the PBO and its incidental take statement (ITS). The Applicant submitted a project-specific application for the Restoration Project dated September 21, 2022, to the Service, a copy of which is attached hereto and incorporated herein as Exhibit 1. The Service issued a project-specific approval to the Applicant for the Restoration Project on December 12, 2022, a copy of which is attached hereto and incorporated herein as Exhibit 2. The Service’s project-specific approval for the Restoration Project requires the Applicant to comply with the terms of the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, when carrying out the Restoration Project.

On December 27, 2022, the Director of the Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, is consistent with CESA for purposes of the Restoration Project and the Covered Species. (Cal. Reg. Notice Register 2023, Number 2–Z, p. 19)

Determination

CDFW has determined that the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, is consistent with CESA as to the Restoration Project and the Covered Species because the measures contained in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (a) and (c), for authorizing take of CESA-listed species. Specifically, CDFW finds that: (1) take of the Covered Species will be for management purposes; (2) the measures required are roughly proportional in extent to any impact on the Covered Species that is caused by the Restoration Project; (3) the measures required maintain the Permittee’s project purpose to the greatest extent possible; and (4) the Restoration Project will not jeopardize the continued existence of the Covered Species.

Avoidance, Minimization, and Mitigation Measures. The avoidance, minimization, and mitigation measures in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, include, but are not limited to, the following:

- 1) In those specific cases where it is deemed necessary to dewater a work site that is located in aquatic habitat, the work area shall be isolated and all

the flowing water upstream of the work site shall be temporarily diverted around the work site to maintain downstream flows during construction.

- 2) Fish will be excluded from reentering the work area by blocking the stream channel above and below the work area with fine-meshed net or screens. Mesh will be no greater than 1/8-inch diameter. The bottom of the seine must be completely secured to the channel bed to prevent fish from reentering the work area. Exclusion screening must be placed in areas of low water velocity to minimize fish impingement. Upstream and downstream screens must be checked daily (prior to, during, and after instream activities) and cleaned of debris to permit free flow of water. Block nets shall be placed and maintained throughout the construction period at the upper and lower extent of the areas where fish will be removed. Block net mesh shall be sized to ensure salmonids upstream or downstream does not enter the areas proposed for dewatering between passes with the electro-fisher or seine.
- 3) The Applicant shall coordinate project site dewatering with a qualified biologist to perform fish relocation activities. The qualified biologist(s) will possess all valid state and federal permits needed for fish relocation and will be familiar with the life history of the Covered Species.
- 4) Fish relocation and dewatering activities shall only occur between June 15 and October 31 of each year. If precipitation sufficient to produce runoff is forecast to occur while construction is underway, work will cease and erosion control measures will be put in place sufficient to prevent significant sediment runoff from occurring. Exceptions on the fish relocation/dewatering time period will be considered on a case-by-case basis only if justified and if precipitation sufficient to produce runoff is not forecast to occur during any of the above activities, and if approved by the Service and the Corps. If the channel is expected to be seasonally dry during this period, construction shall be scheduled so that fish relocation and dewatering are not necessary.
- 5) A qualified fisheries biologist shall perform all seining, electrofishing, and fish relocation activities. The qualified fisheries biologist shall capture and relocate salmonids and other native fish prior to construction of the water diversion structures (e.g., cofferdams). The qualified fisheries biologist shall note the number of salmonids observed in the affected area, the number of salmonids relocated, and the date and time of collection and relocation. The qualified fisheries biologist shall have a minimum of three years of field experience

in the identification and capture of salmonids, including juvenile salmonids. The qualified biologist will adhere to the following requirements for capture and transport of salmonids:

- a. Determine the most efficient means for capturing fish.
 - b. Conduct initial fish relocation efforts several days prior to the start of construction. This provides the fisheries biologist an opportunity to return to the work area and perform additional electrofishing passes immediately prior to construction if there is water in the isolated construction area.
 - c. At project sites with high summer water temperatures, perform relocation activities during morning periods.
 - d. Prior to capturing fish, determine the most appropriate release location(s).
 - e. Periodically measure air and water temperatures and monitor captured fish. Temperatures will be measured at the head of riffle tail of pool interface. Cease activities if health of fish is compromised owing to high water temperatures, or if mortality exceeds three percent of captured salmonids.
- 6) All electrofishing will be conducted according to the Service's Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act (NMFS 2000).
 - 7) The electro-fisher shall be used a minimum of three passes to ensure maximum capture probability of salmonids within the area proposed for dewatering.
 - 8) Fish shall not be overcrowded into buckets, allowing no more than 150 young-of-year fish (approximately six cubic inches per young-of-year individuals) per 5 gallon bucket and fewer individuals per bucket for larger/older fish.
 - 9) All captured salmonids shall be relocated, preferably upstream, of the proposed construction project and placed in suitable habitat. Captured fish shall be placed into a pool, preferably with a depth of greater than two feet with available in-stream cover.
 - 10) If more than three percent of the salmonids captured are killed or injured, the project permittee shall contact the Service.

Monitoring and Reporting Measures. The monitoring and reporting measures in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, include, but are not limited to, the following:

- 1) Following construction, the Applicant must submit a post-construction implementation report

to the Service and the Corps. Implementation reports shall include Restoration Project as-built plans and photo documentation of project implementation taken before, during, and after construction. For fish relocation activities, the report shall include: all fisheries data collected by a qualified fisheries biologist, including the number of any salmonids killed or injured during the proposed action; the number and size (in millimeters) of any salmonids captured and removed; and any unforeseen effects of the proposed action on salmonids.

Although not a condition of the ITS, or the accompanying PBO, project-specific application, or project-specific approval, CDFW requests a copy of the post-construction implementation report as well. The report should include dates construction occurred and the success of revegetation and restoration.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Restoration Project for take of the Covered Species, provided the Applicant implements the Restoration Project as described in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, including adherence to all measures contained therein, and complies with the measures and other conditions described in the ITS, along with the accompanying PBO, project-specific application, and project-specific approval. If there are any substantive changes to the Restoration Project, including changes to the measures, or if the Service amends or replaces the ITS, accompanying PBO, or project-specific approval, the Applicant shall be required to obtain a new consistency determination or a CESA take permit for the Restoration Project from CDFW. (See generally Fish & Game Code, §§ 2080.1, 2081, subdivisions (a) and (c)).

CDFW's determination that the ITS, along with the accompanying PBO, project-specific application, and project-specific approval, is consistent with CESA is limited to the Covered Species and the Restoration Project.

Exhibit 1 — Application Checklist for Inclusion in the NOAA RC Santa Rosa Office Programmatic Approach

Exhibit 2 — NOAA RC Email Approval of PBO Sec7 Coverage for Project and NOAA Application Checklist for Inclusion in the NOAA RC Santa Rosa Office Programmatic Approach

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

AIR TOXICS HOT SPOTS PROGRAM
AMENDMENT TO NOTICE OF PUBLIC
COMMENT PERIOD AND WORKSHOPS ON
DRAFT REFERENCE EXPOSURE LEVELS
FOR TRIMETHYLBENZENES (TMBs)

JANUARY 31, 2023

On January 27, 2023, the Office of Environmental Health Hazard Assessment (OEHHA) published the “Notice of Public Comment Period and Workshops on Draft Reference Exposure Levels for Trimethylbenzenes (TMBs),” (OAL Notice File No. Z2023–0117–05). OEHHA is hereby updating information regarding the Southern California public workshop.

Within the previously published Notice of Public Comment Period and Workshops, the information regarding the Southern California public workshop was noted as “To be determined.” The complete Southern and Northern California workshop information is now listed below. No other details related to the public comment period or public workshops have been changed.

Public workshops will be held in Southern and Northern California at the following locations and times.

Southern California

February 23, 2023

9:00 a.m.–12:00 p.m.

Room CC–2

South Coast Air Quality Management District

21865 E. Copley Drive

Diamond Bar, CA 91765

Northern California

March 02, 2023

9:00 a.m.–12:00 p.m.

George Alexeeff Environmental Health Library

1515 Clay St., 16th Floor

Oakland, CA 94612

DEPARTMENT OF SOCIAL SERVICES

“Editor’s Note—This is the second 45–day comment period on the Department of Social Services’ Conflict–of–Interest Code amendments. The original 45–day Notice was published on November 18, 2022, Notice Register 2022, Number 46–Z.”

TITLE 22. NOTICE OF INTENTION
TO AMEND THE CONFLICT–OF–
INTEREST CODE OF THE CALIFORNIA
DEPARTMENT OF SOCIAL SERVICES

NOTICE IS HEREBY GIVEN that the **California Department of Social Services (CDSS)**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict–of–interest code. A comment period has been established commencing on Friday, February 10, 2023 and closing on March 27, 2023. All inquiries should be directed to the contact listed below.

The **CDSS** proposes to amend its conflict–of–interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict–of–interest code include:

- Adding new positions that make or participate in the making of governmental decisions,
- Removing positions that were deemed as not making or participating in the making of governmental decisions,
- Adding new divisions,
- and also makes other technical changes.

The proposed amendment and explanation of the reasons can be obtained from the agency’s contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than March 27, 2023 or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than *March 27, 2023*.

The **CDSS** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: MJ Johnson at ConflictofInterest@dss.ca.gov

PETITION DECISION

**DEPARTMENT OF RESOURCES
RECYCLING AND RECOVERY**

January 27, 2023
Leonard Lang
1713 Mimosa Ln.
Eules, TX 76039

Via email: lang@recyclingandregulation.co

Dear Mr. Lang:

Thank you for your letter of December 30, 2022, petitioning for the cessation of certain prepayment controls used by the department and for rulemaking on volume spikes. This petition is being tracked by the Department of Resources Recycling and Recovery (Department) as Petition for Rulemaking No. 2022-12-30. The Department rejects the petition for the cessation of certain prepayment controls used by the department and accepts the part of the petition on volume spikes. The Department is denying the petition for rulemaking on volume spikes.

The first part of your petition seeks "...the department to stop using the practice of prepayment controls." This is not a petition for rulemaking under section 11340.7 of the Government Code as it does not request the adoption, amendment, or repeal of a regulation. The Department rejects the first part of your petition.

The second part of your petition seeks the adoption of regulations pertaining to volume spikes. As this part of your petition conforms to the requirements of a petition under section 11340.7 of the Government Code, the Department accepts the second part of your petition for submission. The Department denies the second part of your petition for the reason explained below.

In order to prioritize reviews and investigations of certified entities under the California Beverage Container Recycling and Litter Reduction Act under section 14500, et. seq. of the Public Resources Code and to prevent program payments, funded by consumers in California, for ineligible material, the Department uses a variety of information sources including volume spikes.

Subdivision (e) of section 11340.9 of the Government Code explicitly excludes a regulation that es-

tablishes criteria or guidelines used by an agency in performing an audit, investigation, examination, or inspection if the disclosure of the criteria or guidelines would enable a law violator to avoid detection. If the Department promulgated standards for when volume spikes would be investigated or reviewed, then potential law violators would use those regulations to evade detection by the Department.

The Department has the authority to adopt, amend, and repeal regulations related to the Act pursuant to Public Resources Code sections 14530.5 and 14536. In accordance with Government Code section 11340.7(d), a copy of this letter is being transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register. The agency contact person on this matter and the person from whom a copy of the petition may be obtained is Craig Castleton, Regulations Unit, 1001 I Street, MS-24B, Sacramento, California 95814, regulations@calrecycle.ca.gov, (916) 322-0879.

Please direct any further communications regarding this petition or other petitions for rulemaking to the Regulations Unit at regulations@calrecycle.ca.gov.

Sincerely,

/s/

Mindy McIntyre
Chief Deputy Director
Department of Resources Recycling and Recovery
(CalRecycle)

**SUMMARY OF
REGULATORY ACTIONS**

**REGULATIONS FILED WITH
THE SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

Department of Alcoholic Beverage Control
File # 2023-0118-01
Administration of Music-Venue Licenses

This emergency action implements and clarifies SB 793 (2021-22) regarding a new class of license: a Music Venue License. The regulations define statutory terms, establish standards for licensees, and require that only a bona fide "Music Entertainment Facility" is issued a Music Venue License.

Title 04
Adopt: 71
Filed 01/30/2023
Effective 01/30/2023
Agency Contact:
Robert de Ruyter (916) 419-8958

California Department of Tax and Fee
Administration
File # 2023-0120-02
Cannabis Excise Tax and Cultivation Taxes, et al.

This emergency action prescribes procedures for return, remittance, and collection of excess cannabis tax, clarifies when and how a cannabis retailer may file a claim for a cannabis excise tax credit, and establishes requirements and procedures regarding retention of a portion of cannabis excise taxes as vendor compensation.

Title 18
Adopt: 3703, 3800, 3805, 3810
Amend: 3700
Filed 01/30/2023
Effective 01/30/2023
Agency Contact: Kim DeArte (916) 309-5227

Department of Cannabis Control
File # 2023-0106-01
Conflict-of-Interest Code

OAL filed this regulation with the Secretary of State and will publish the regulation in the California Code of Regulations.

Title 02
Adopt: 59900
Filed 02/01/2023
Effective 03/03/2023
Agency Contact: Kaila Fayne (916) 251-4544

Department of Fish and Wildlife
File # 2023-0113-03
Landing of Commercially Caught Salmon
Out of State

This action by the Department of Fish and Wildlife amends regulations concerning the landing of commercially caught salmon out of state to conform to federal law. This action is exempt from the Administrative Procedure Act pursuant to Fish and Game Code section 7652 and is submitted to OAL for filing with the Secretary of State and for publishing in the California Code of Regulations.

Title 14
Amend: 105.1, 182
Filed 02/01/2023
Effective 02/01/2023
Agency Contact: Ona Alminas (916) 902-9222

Board of Accountancy
File # 2022-1216-05
Continuing Education Programs

This rulemaking action amends continuing education program requirements to add technical subject areas, update nontechnical subject areas, and establish three new continuing education programs.

Title 16
Amend: 87, 88, 88.1, 88.2, 89, 90
Filed 02/01/2023
Effective 07/01/2023
Agency Contact: Sarah Benedict (916) 809-4028

Board of Forestry and Fire Protection
File # 2022-0819-02
State Minimum Fire Safe Regulations, 2021

This action adopts, amends, and repeals regulations to implement minimum fire safety standards related to defensible space applicable to the perimeters and access to all residential, commercial, and industrial building construction and to land in a State Responsibility Area (SRA) and Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone (VHFHSZ), particularly with respect to fuel breaks, greenbelts near communities, and preservation of undeveloped ridgelines.

Title 14
Adopt: 1270.08, 1276.03
Amend: 1270.00, 1270.01 (Renumbered to 1270.02 and Amended), 1270.02 (Renumbered to 1270.03 and Amended), 1270.03 (Renumbered to 1270.04 and Amended), 1270.04 (Renumbered to 1270.05 and Amended), 1270.05 (Renumbered to 1270.06 and Amended), 1270.06 (Renumbered to 1270.07 and Amended), 1271.00 (Renumbered to 1270.01 and Amended), 1273.00, 1273.01, 1273.02, 1273.03, 1273.04, 1273.05, 1273.06, 1273.07, 1273.08, 1273.09, 1274.00, 1274.01, 1274.02, 1274.03, 1274.04, 1275.00, 1275.01, 1275.02, 1275.03, 1275.04, 1276.00, 1276.01, 1276.02, 1276.03 (Renumbered to 1276.05 and Amended), 1276.04
Filed 01/31/2023
Effective 04/01/2023
Agency Contact: Edith Hannigan (916) 862-0120

Bureau for Private Postsecondary Education
File # 2022-1213-01
Repeal of Ability-to-Benefit Language

To align with statutory amendments in Senate Bill 607 (Chapter 367, Statutes of 2021), which removed Education Code references to passing an ability-to-benefit test as part of admissions processes, this action likewise removes related regulatory references to

passing an ability-to-benefit test either (1) by entirely deleting a regulatory reference to ability-to-benefit; or (2) by replacing a regulatory reference with a provision based upon whether an institution chooses to use passage of an ability-to-benefit test in its admission process.

Title 05
 Amend: 71210, 71475, 71770, 71920
 Filed 01/27/2023
 Effective 04/01/2023
 Agency Contact: David Dumble (279) 895-6091

Bureau of Real Estate Appraisers
 File # 2022-1216-02
 Minimum Basic and Continuing Education

This action implements Assembly Bill 948 (Stats. 2021, chapter 352) by specifying requirements for instruction in cultural competency for applicants as a requirement of their basic education for licensure, and by specifying requirements in continuing education in cultural competency and training in the elimination of bias for licensees as a condition of renewal.

Title 10
 Adopt: 3542
 Amend: 3500, 3543, 3568
 Filed 02/01/2023
 Effective 02/01/2023
 Agency Contact: Whitney Spatz (916) 610-9927

Commission on Teacher Credentialing
 File # 2022-1213-03
 Examination Fees

In this regular resubmittal action, the Commission on Teacher Credentialing repeals the \$41 fee for the paper-based state basic skills proficiency test (the "CBEST"), and adopts the \$30 fee for the CBEST subtests.

Title 05
 Amend: 80487, 80071.4
 Filed 01/26/2023
 Effective 04/01/2023
 Agency Contact: Lynette Roby (916) 324-3668

Dental Hygiene Board of California
 File # 2022-1216-04
 Process for Approval of a New RDH Educational Program

In this action, the Board proposes to clarify the collective reference of "RDHs" to include registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in

extended functions within the regulation; repeal the Commission on Dental Accreditation's "Accreditation Standards for Dental Hygiene Education Programs;" and remove the extension process for completing the feasibility study for approving new RDH educational programs.

Title 16
 Amend: 1104.1
 Filed 02/01/2023
 Effective 04/01/2023
 Agency Contact:
 Adina Pineschi-Petty (916) 576-5002

California Unemployment Insurance Appeals Board
 File # 2022-1216-06
 Application of APA, Submission of Appeal, Petition or Application, etc.

In this regular rulemaking, the California Unemployment Insurance Appeals Board (the "Board") is adopting, amending, and repealing regulations regarding the following: (1) definitions of terms used throughout the Board's regulations; (2) the applicability of the California Public Records Act (commencing with Government Code section 6250) to and confidentiality of records prepared and produced in connection with the administrative hearings; (3) filing deadlines; (4) scheduling hearings; (5) the circumstances under which an administrative law judge may order an appeal or petition dismissed without a hearing; and (6) updating cross-references.

Title 22
 Adopt: 5066.1
 Amend: 5000, 5007, 5010, 5050, 5054, 5062, 5066, 5067, 5068, 5111
 Repeal: 5055
 Filed 02/01/2023
 Effective 04/01/2023
 Agency Contact: Kim Hickox (916) 263-6806

State Water Resources Control Board
 File # 2023-0110-01
 Water Right Notice Requirements and Reporting Dates

This rulemaking action by the State Water Resources Control Board updates notice requirements related to changes of ownership and changes in contact information. This action also seeks to revise the filing deadlines for notices of extraction and diversions of water, supplemental statements of water diversion, water use reports of registration and certificate holders, annual progress reports, water rights license holder reports,

and annual notices of groundwater extraction and diversion.

Title 23

Amend: 831, 907, 915, 920, 924, 925, 929, 930

Filed 01/31/2023

Effective 01/31/2023

Agency Contact: Garrett Lenahan (916) 341-5179

**PRIOR REGULATORY
DECISIONS AND CCR
CHANGES FILED WITH THE
SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit oal.ca.gov.